

1 PRESTON DuFAUCHARD  
California Corporations Commissioner  
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Deputy Commissioner  
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8 Attorneys for Complainant

9 BEFORE THE DEPARTMENT OF CORPORATIONS  
10 OF THE STATE OF CALIFORNIA

11 In the Matter of the Accusation of THE	)	File No.: 963-2058
12 CALIFORNIA CORPORATIONS	)	
13 COMMISSIONER,	)	ACCUSATION
14 Complainant,	)	
15 vs.	)	
16 CALIBER ESCROW, INC.,	)	
17 Respondent.	)	
18	)	

19 The Complainant is informed and believes and based upon such information and belief,  
20 alleges and charges as follows:

21 I

22 Caliber Escrow, Inc. ("Respondent" or "Caliber Escrow") is an escrow agent licensed by the  
23 California Corporations Commissioner ("Commissioner" or "Complainant") pursuant to the Escrow  
24 Law of the State of California (California Financial Code Section 17000 *et seq.*).

25 II

26 Pursuant to Financial Code section 17406, all licensees under the Escrow Law are required to  
27 file an annual audit report containing audited financial statements ("audit report") within one  
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1 hundred and five (105) days after the close of their fiscal year. Respondent's fiscal year end is July  
2 31. Accordingly, Respondent was required to file its audit report on or before November 15, 2007.

3 On or about June 4, 2007, Complainant notified Respondent in writing that its audit report  
4 was due November 15, 2007. Respondent failed to file the audit report by November 15, 2007.

5 On or about December 27, 2007, a follow up letter was sent to Respondent concerning its  
6 failure to file the audit report. Respondent was notified in the letter that failure to file the audit  
7 report could result in assessment of penalties, a special examination and/or administrative action.

8 Respondent did not file the audit report until April 24, 2008 – 160 days after the time  
9 required by Financial Code section 17406.

### 10 III

11 Financial Code section 17602.5 provides in pertinent part as follows:

12 If any licensed escrow agent fails to make any reports required by law  
13 or by the commissioner within ten (10) days from the date designated  
14 for the making of the reports, or within any extension of time granted  
15 by the commissioner, . . . such failure shall constitute grounds for  
the suspension or revocation of the license held by such escrow agent.

16 Financial Code section 17608 provides in pertinent part:

17 The commissioner may, after notice and a reasonable opportunity to  
18 be heard, suspend or revoke any license if he finds that:

19 (b) The licensee has violated any provision of this division or any  
20 rule made by the commissioner under and within the authority of this  
division.

### 21 IV

22 Complainant finds that, by reason of the foregoing, Respondent has violated Financial Code  
23 section 17406, which constitutes grounds for the suspension of its escrow agent's license.  
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1           WHEREFORE, IT IS PRAYED that the Respondent's escrow agent's license be suspended  
2 for a period of two weeks.

3  
4 Dated: May 28, 2008  
5           Sacramento, CA

PRESTON DuFAUCHARD  
California Corporations Commissioner

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7  
8 By \_\_\_\_\_  
9           Brent S.B. Lindgren  
10           Senior Corporations Counsel  
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